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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. SACV 08-0527 AG (ANx) Date March 20, 2009

Title ROBERT TOWNSEND v. CHASE BANK USA, N.A., et al.

Present: The Honorable ANDREW J. GUILFORD

Lisa Bredahl None Present

Deputy Clerk Court Reporter / Recorder Tape No.

Attorneys Present for Plaintiffs: Attorneys Present for Defendants:

Not Present Not Present

Proceedings: [IN CHAMBERS] ORDER DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION

The Court consider this matter appropriate for decision without oral argument. *See* Fed. R. Civ. P. 78(b). Accordingly, the hearing on this matter currently scheduled for March 23, 2009, is VACATED.

On February 15, 2009, this Court issued an order dismissing the Third Amended Complaint in this case without leave to amend. At that time, Plaintiff Robert Townsend (“Plaintiff”) had had four opportunities to produce a viable complaint.

Plaintiff has now filed a Motion for Reconsideration (“Motion”). Plaintiff requests that the Court reconsider its order dismissing the Third Amended Complaint and allow him to file a Fourth Amended Complaint. A Proposed Fourth Amended Complaint is included with Plaintiff’s Motion. The Motion is DENIED.

LEGAL STANDARD

Federal Rule of Civil Procedure 59 and Local Rule 7-18 provide the standards governing this Motion. “Under Rule 59(e), a motion for reconsideration should not be granted, absent highly unusual circumstances, unless the district court is presented with newly discovered evidence, committed clear error, or if there is an intervening change in the controlling law.” *389 Orange St. Partners v. Arnold* , 179 F.3d 656, 665 (9th Cir. 1999) (citing *School Dist. No. 13 v. ACANDS, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993)). In this District, Local Rule 7-18 sets the standard for review of a motion for reconsideration. Local Rule 7-18 states that a motion for reconsideration will be granted only upon a showing by the moving party that:

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- (a) a material difference in fact or law from that presented to the Court before such decision that in the exercise of reasonable diligence could not have been known to the party moving for reconsideration at the time of such decisions, or
- (b) the emergence of new material facts or a change of law occurring after the time of such decision, or
- (c) a manifest showing of a failure to consider material facts presented to the Court before such decision.

DISCUSSION

Plaintiff “believes the Court erred” in granting the Defendants’ Motion to Dismiss the Third Amended Complaint. (Mot. 1.) To support this assertion, Plaintiff cites the liberal pleading standards for *pro se* litigants, pointing out that under Ninth Circuit law, “[a] *pro se* litigant must be given leave to amend his or her complaint unless it is absolutely clear that the deficiencies of the complaint could not be cured by amendment.” *Noll v. Carlson*, 809 F.2d 1446, 1448 (9th Cir. 1987) (internal quotation omitted).

Plaintiff does not contend that the Court was presented with incomplete facts or law, that new material facts or law have emerged since the February 15 order was entered, or that this Court failed to consider material facts presented to it before its February 15 decision. Plaintiff does not present appropriate grounds for reconsideration under Local Rule 7-18, and the Motion is DENIED.

The Court further notes that Plaintiff was given several opportunities to amend his pleadings in this case, but Plaintiff’s Third Amended Complaint failed to state a single viable claim against any defendant. When making its February 15 ruling, this Court was “satisfied” that “the deficiencies of the Third Amended Complaint [could not] be cured by further amendment.” (2/15/09 Order 15:4-5.)

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